

Criminal Misc. No. 55238-M of 2007

Manish Yadav

vs.

State of Haryana

Present: - Mr. G.S. Sidhu, Advocate
for the petitioner.

Mr. Ashish Kapoor, Addl. AG, Haryana

Mr. Abhishek Chautala, Advocate,
for the complainant.

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This is a petition for anticipatory bail in FIR No. 421 dated 02.12.2007 under Sections 307/34 IPC and Sections 25/27/54/59 of the Arms Act at Police Station Udyog Vihar, Gurgaon.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR rather the FIR does not contain name of any person as it only states that while a function of marriage was going on, 3 boys came running there and one of them was having a pistol. One boy fired a shot which hit complainant's left thigh and then boy ran away from marriage place.

The name of the petitioner figured only when one Phool Singh, produced before the police one pistol along with 2 cartridges and told that the assailant was present petitioner and he has placed on record an affidavit of the complainant which was furnished before the learned Court below stating therein that the petitioner was not present at the time of function where the alleged occurrence took place. The facts are not disputed by the counsel appearing for the State and the affidavit of the complainant is owned by the counsel appearing for the complainant.

In this view of the matter, a case of anticipatory bail is made out. In the event of the arrest of the petitioner, he shall be released on bail to the satisfaction of the Arresting Officer. However, the petitioner shall abide by the conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure.

(RAJESH BINDAL)
JUDGE

December 31, 2007.
Ruchika/preeti